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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,068	02/11/2004	Jim Eckelberry	60130-1995; 04MRA0062	2098
26096	7590	03/21/2006		
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			EXAMINER WEBB, TIFFANY LOUISE	
			ART UNIT 3616	PAPER NUMBER

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/776,068	<b>Applicant(s)</b> ECKELBERRY, JIM	
	<b>Examiner</b> Tiffany L. Webb	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/13/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/11/04</u> . | 6) <input type="checkbox"/> Other: _____  |

of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- Claims 9 and 10 are unclear because claim 10 depends from claim 9, but the steps seem to contradict each other. Claim 10 does not add anything to the "method of securing a slider" of claim 9.
- Claims 11 and 12 are unclear because they are stated in line 1 of each claim, as being "slider systems" wherein they are actually adding to a method.

- Claim 13 is unclear because the claim states that it is dependent from a slider system, but it is a method claim. Further, the claim seems to contradict claim 9, from which it depends, and therefore does not seem to add anything to “the method of securing a slide” as stated in line 1 of claim 9.

### ***Double Patenting***

8. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the “right to exclude” granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

9. Claims 1 and 3-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/664,138. Although the conflicting claims are not identical, they are not patentably distinct from each other because both applications claim a trailer slider locking pin mechanism that is movable between engaged and non-engaged positions, wherein the locking pins are actuated through an actuator and are in communication with a trailer spring brake valve and each are controlled through air springs in a pneumatic system.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

### ***Claim Rejections - 35 USC § 102***

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent

granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Schueman (US 5,531,467). Regarding claim 1, Schueman discloses a slider system (16) including: a locking pin (74) movable between engaged and non-engaged positions, the pin being spring biased (84); an actuator for the locking pins (100, see Figure 3); a first valve (174) in communication with the actuator; and a trailer spring brake valve (192 and 174) in communication with the first valve. Regarding claim 2, Schueman discloses the first valve being hand operated (see col 6, lines 55-56). Regarding claim 3, Schueman discloses the actuator comprising an air spring (100, see col. 5, lines 17-20). Regarding claim 4, Schueman discloses having a lever (140, see Figures 5-6), which rotates a torque tube (90) to drive the locking pin toward a non-engaged position, the lever being operated by the air spring. Regarding claim 5, Schueman discloses the air spring being constrained by a four-bar linkage (see Figures 5-6). Regarding claims 6 and 7, Schueman discloses having a valve that vents the air springs in response to the trailer spring brake valve (see Figure 8, and col. 6, lines 64-67). Regarding claim 8, Schueman discloses having a pull handle (96) that operates the actuator. Regarding claims 9-13, Schueman meets the limitations set forth by the apparatus claims, since the reference meets the limitations set forth by the apparatus, Schueman further meets the limitations of claims 9-13 to a method of securing a slider to a trailer. It is inherent that the slider assembly can be used in the securing method claimed by the applicant.

12. Claims 1-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Saieg et al. (US 2005/0056477).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 1, Saieg et al. discloses a slider system (Figure 1) including: a locking pin (130) movable between engaged and non-engaged positions, the pin being spring biased (134); an actuator for the locking pins (22); a first valve (42) in communication with the actuator; and a trailer spring brake valve (52) in communication with the first valve. Regarding claim 2, Saieg et al. discloses the first valve being hand operated. Regarding claim 3, Saieg et al. discloses the actuator comprising an air spring (50). Regarding claim 4, Saieg et al. discloses having a lever (36), which rotates a torque tube (24) to drive the locking pin toward a non-engaged position, the lever being operated by the air spring. Regarding claim 5, Saieg et al. discloses the air spring being constrained by a four-bar linkage (see Figure 1). Regarding claims 6 and 7, Saieg et al. discloses having a valve that vents the air springs in response to the trailer spring brake valve (see paragraph [0023]). Regarding claim 8, Saieg et al. discloses having a pull handle (22) that operates the actuator. Regarding claims 9-13, Saieg et al. meets the limitations set forth by the apparatus claims, since the reference meets the

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limitations set forth by the apparatus, Saieg et al. further meets the limitations of claims 9-13 to a method of securing a slider to a trailer. It is inherent that the slider assembly can be used in the securing method claimed by the applicant.

**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are all slider locking pin mechanisms: Forman (US 5,317,296), Ehrhart (US 4,641,846), and Schmidt (US 3,177,002).

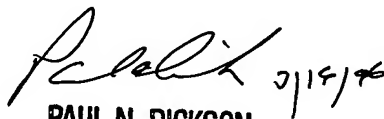
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany L. Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Tiffany L Webb  
Examiner  
Art Unit 3616



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